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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,269	04/18/2006	Yuzuru Sugano	Q94086	3633
23373 7590 12/18/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER TAYLOR II, JAMES W				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
12/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

1. Applicant's amendment filed 12/8/2008 has been fully considered; however, the amendment has not been entered given that it raises other new issues that would require further consideration and/or search.
2. Regarding said new issues, metal particles being enclosed within the fine particles is a limitation that was not present in the claims at the time of the final rejection. As such, this limitation is a new issue and warrants further considerations and/or updated searches.
3. Applicant's arguments with respect to claims 1-10 are moot in view of the proposed amendment being denied entry.
4. In the interest of better enabling the applicant to assess the patentability of their claims, the following response to applicant's arguments filed on 12/8/2008 is presented as if the amendment were entered.
5. The applicant argues that by positively reciting that the magnetic material is enclosed within the fine particles, specific advantages over Davies *et alli* are achieved, including improved environmental stability, acid resistance, and high functional group surface area.
6. Davies *et alli* (US 4,177,253) is drawn to a magnetic particle with a low density core, such as polyethylene or polypropylene (ab.; c. 1, ll. 20 and 51-52; c. 4, ll. 33-34).

Nonetheless, the magnetic material is the not necessarily the outermost layer of the compound, as the associated compound can undergo "mechanical entrapment... of the coating of magnetic material" (c. 1, ll. 23-28). It is noted that the applicant does not claim that the magnetic material is entrapped or encapsulated in the polyolefin, and as such the mechanical entrapment by the associated compound satisfies the claimed limitation.

7. Given the array of non-polyolefinic low density cores and that the associated compound doesn't necessarily mechanically entrap the magnetic material, the rejection over 35 U.S.C. §102(b) would be overcome by the amendment.

8. One of ordinary skill in the art would expect the advantages cited by the applicant (noted above) in the Davies's composition with the associated compound mechanically entrapping the magnetic material, and therefore the claims 1-10 would be rejected under 35 U.S.C. §103(a).

Examiner's Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Taylor II whose telephone number is (571) 270-5457. The examiner can normally be reached on 7:30 am to 5:00 pm (off every other Friday).

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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jwt2

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